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a beginning in the organization of this kind of instruction has yet been made. We have neither textbooks nor methods. The present volume will help prepare the way for the new régime; and it will be heartily welcomed by all thoughtful students of society.

GEORGE ELLIOTT HOWARD

Les types sociaux et le droit. Par JOSEPH MAZZARELLA. Paris: Octave Doin, éditeur, 1908. 1 vol. in 18 Jésus, cartonné toile, de 450 pages. Fr. 5.

According to the author's preface this book is a study of social types from the juridical point of view.

The book is divided into three sections preceded by an introduction. In the introduction he briefly explains Post's theory of fundamental types of social organization, examines this theory critically, and sets forth, partly following Post but departing from his theory somewhat radically, his own theory of fundamental social types. His departure from Post is in "the introduction of the stratigraphical analysis, entirely unknown to Post and his disciples." This new contribution to the theory of juridical ethnology he considers so important that he believes by means thereof he can arrive at the determination of the process of the development of each institution and of each juridical system; at the reconstruction of unknown phases of the evolution of institutions and systems; at the study of the psychological conditions of peoples, revealed by an analysis of law; discover the causes which in each system determine the juridical transformations; and finally at the construction of a general theory of the evolution of law.

The first section is devoted to the general theory of the fundamental types of juridical organization. In five chapters are discussed analytically the special morphology, stratigraphy, genealogy, psychology and philosophy of juridical systems from the point of view of ethnology. The sixth chapter, a comparative treatment of the same subject-matter, "has for its object the determination of the laws and general causes of juridical evolution." In this chapter he sets forth his new method of juridical ethnology which "consists essentially in the constitution of a fixed series, . . . which we call *typical series of reference*, which includes a certain number of juridical systems that fulfil the given conditions." The upshot of

this first section is that "there exist two fundamental types of juridical organization, the gentile and the feudal, characterized respectively by the absence and by the existence of the hierarchical stratification of classes," and by this means one "can determine the intrinsic composition of each institution and of each system."

In the second section he applies his theory to the exposition of the influence of the gentile type of organization upon matrimonial law. In eighteen chapters the author's theory of what he terms "marriage ambilieu," by which he means the form in which the husband goes to live with his wife's people and possesses no power over his family, occupies a very important place. He thinks that by means of it he has demonstrated the universality of the "matriarchate" in an irrefutable manner.

His third section is a new application of his general theory of fundamental types to an interpretation of the loan in ancient India, in which he attempts to show that the feudal type of organization makes great changes in the law of obligations.

As one reads this book he is struck by two things, viz., (1) the thoroughgoing scientific spirit which pervades it, and (2) the artificiality of some of the logical analyses. The passion of the author for clearness and completeness has in some few places led to a sublimation of theory which his inductive study hardly sanctions. But the vigorous study of facts in the light of the large lines of his theory is delightful. He has made a generalization of the dependence of forms of law and of the evolution of law upon the type of social organization, the value of which must be recognized. This work is, thus, a fruit of the application of sociological methods to a study of the development of law. Dr. Mazzarella has made clear that for the peoples and periods studied even law is not independent of the social type out of which it grew, and that social type, determining as it does social custom, stamps law with an impress which survives even after the ideas that gave it birth have given way to others.

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